

117TH CONGRESS  
1ST SESSION

# H. R. 2975

To amend the Energy Policy and Conservation Act to modify the definition of water heater under energy conservation standards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2021

Mrs. DINGELL introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Energy Policy and Conservation Act to modify the definition of water heater under energy conservation standards, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. WATER HEATERS.**

4       (a) DEFINITION OF WATER HEATER.—Section 321  
5       of the Energy Policy and Conservation Act (42 U.S.C.  
6       6291) is amended by striking paragraph (27) and insert-  
7       ing the following:

8           “(27) WATER HEATER.—

9           “(A) IN GENERAL.—The term ‘water heat-  
10          er’ means a product that utilizes oil, gas, or

1           electricity to heat potable water for use outside  
2           the heater on demand, including—

3                 “(i) storage type units that heat and  
4                 store water at a thermostatically controlled  
5                 temperature, including—

6                     “(I) gas storage water heaters  
7                     with an input of 75,000 Btu per hour  
8                     or less, including heat pump type  
9                     units that meet the current and volt-  
10                  age limits under clause (iii);

11                  “(II) oil storage water heaters  
12                  with an input of 105,000 Btu per  
13                  hour or less; and

14                  “(III) electric storage water heat-  
15                  ers with an input of 12 kilowatts or  
16                  less, including heat pump type units  
17                  that meet the current and voltage lim-  
18                  its under clause (iii);

19                  “(ii)(I) instantaneous type units that  
20                  heat water but contain not more than 1  
21                  gallon of water per 4,000 Btu per hour of  
22                  input; and

23                  “(II) in the case of—

24                     “(aa) gas instantaneous water  
25                     heaters, have an input of 200,000 Btu

1                   per hour or less and are designed and  
2                   marketed to provide outlet hot water  
3                   at a thermostatically controlled tem-  
4                   perature of less than 180 degrees  
5                   Fahrenheit;

6                   “(bb) oil instantaneous water  
7                   heaters, have an input of 210,000 Btu  
8                   per hour or less; and

9                   “(cc) electric instantaneous water  
10                  heaters, have an input of 12 kilowatts  
11                  or less;

12                  “(iii) heat pump type units (including  
13                  add-on heat pumps, integrated heat pumps  
14                  with storage, split-system heat pumps that  
15                  consist of a separate heat pump and stor-  
16                  age tank that are designed and marketed  
17                  to operate together, and all ancillary equip-  
18                  ment, such as fans, storage tanks, pumps,  
19                  electric resistance heating elements, or  
20                  controls necessary for the device to per-  
21                  form its function) that—

22                  “(I) have a maximum current  
23                  rating of 24 amperes at a voltage not  
24                  greater than 250 volts; and

1                 “(II) are designed to transfer  
2                 thermal energy from 1 temperature  
3                 level to a different temperature level  
4                 for the purpose of heating water;  
5                 “(iv) solar thermal-assisted electric  
6                 storage units; and

7                 “(v) solar thermal-assisted fossil fuel  
8                 storage units.

9                 “(B) EXCLUSIONS.—Unless otherwise de-  
10                 termined by the Secretary under section  
11                 325(e)(7)(B), the term ‘water heater’ does not  
12                 include—

13                 “(i) electric storage type units de-  
14                 scribed in subparagraph (A)(i)(III) that—

15                 “(I) are designed and marketed  
16                 exclusively for commercial building  
17                 applications; and

18                 “(II)(aa) are designed, con-  
19                 structed, inspected, tested, and  
20                 stamped in accordance with Section  
21                 IV, Part HLW, or Section X of the  
22                 Boiler and Pressure Vessel Code pro-  
23                 mulgated by the American Society of  
24                 Mechanical Engineers;

1                         “(bb) exclusively use 3-phase  
2                         electricity, are designed and marketed  
3                         to provide outlet hot water at a  
4                         thermostatically controlled tempera-  
5                         ture of 180 degrees Fahrenheit or  
6                         greater, and operate only at rated  
7                         voltages of not less than 208 volts; or  
8                         “(cc) exclusively use single-phase  
9                         electricity, are designed and marketed  
10                         to provide outlet hot water at a  
11                         thermostatically controlled tempera-  
12                         ture of 180 degrees Fahrenheit or  
13                         greater, and operate only at a rated  
14                         voltage of 277 volts; or  
15                         “(ii) gas storage type units described  
16                         in subparagraph (A)(i)(I) that—  
17                         “(I) are designed and marketed  
18                         exclusively for commercial building  
19                         applications; and  
20                         “(II) are designed, constructed,  
21                         inspected, tested, and stamped in ac-  
22                         cordance with Section IV, Part HLW,  
23                         of the Boiler and Pressure Vessel  
24                         Code promulgated by the American  
25                         Society of Mechanical Engineers.

1                 “(C) MULTI-INPUT ELECTRIC STORAGE  
2 WATER HEATER.—The term ‘multi-input elec-  
3 tric storage water heater’ means a product  
4 that—

5                 “(i) is not a heat pump type unit de-  
6 scribed in subparagraph (A)(iii); and

7                 “(ii) is designed, marketed, or shipped  
8 from the manufacturer with a capability of  
9 operating or being configured to operate at  
10 inputs greater than, equal to, or below 12  
11 kilowatts.

12                 “(D) SOLAR THERMAL-ASSISTED ELECTRIC  
13 STORAGE UNIT.—The term ‘solar thermal-as-  
14 sisted electric storage unit’ means a unit that—

15                 “(i) has an input of 12 kilowatts or  
16 less;

17                 “(ii) has at least 2 dedicated ports in  
18 addition to the ports used for introduction  
19 and delivery of potable water for the sup-  
20 ply and return of water or a heat transfer  
21 fluid heated externally by solar panels;

22                 “(iii) does not have electric resistance  
23 heating elements located in the lower half  
24 of the storage tank;

1                 “(iv) has the temperature sensing de-  
2                 vice that controls the auxiliary electric heat  
3                 source located in the upper half of the  
4                 storage tank; and

5                 “(v) has a ratio of less than 0.70 for  
6                 the proportion that the certified first hour  
7                 rating bears to the nominal volume of the  
8                 storage tank tested without solar energy  
9                 input.”.

10                 (b) STANDARDS FOR WATER HEATERS.—Section  
11                 325(e) of the Energy Policy and Conservation Act (42  
12                 U.S.C. 6295(e)) is amended by adding at the end the fol-  
13                 lowing:

14                 “(7) EXEMPTED WATER HEATERS.—

15                 “(A) DEFINITION OF EXEMPTED WATER  
16                 HEATER.—In this paragraph, the term ‘exempted  
17                 water heater’ means a water heater de-  
18                 scribed in section 321(27)(B).

19                 “(B) MONITORING OF SHIPMENTS.—

20                 “(i) SUBMISSION OF DATA.—Not later  
21                 than 90 days after the date of enactment  
22                 of this paragraph, and not later than May  
23                 1 of each year thereafter, the Secretary  
24                 shall require each manufacturer of water  
25                 heaters to report to the Secretary the

1                   quantity of exempted water heaters, in  
2                   each category of exempted water heaters,  
3                   that the manufacturer shipped in the pre-  
4                   ceding calendar year.

5                   “(ii) CONFIDENTIALITY REQUIRE-  
6                   MENTS.—The Secretary shall treat ship-  
7                   ment data reported by manufacturers  
8                   under clause (i) as confidential business in-  
9                   formation subject to appropriate confiden-  
10                  tial data safeguards.

11                  “(iii) PUBLICATION.—

12                  “(I) BASELINE SHIPMENT  
13                  DATA.—Not later than 120 days after  
14                  the date of enactment of this para-  
15                  graph, the Secretary shall publish an  
16                  analysis of the data collected under  
17                  clause (i) for public comment, subject  
18                  to applicable confidentiality safe-  
19                  guards, which shall serve as the base-  
20                  line data for the analysis described in  
21                  subclause (II)(bb).

22                  “(II) PERCENTAGE GROWTH  
23                  FROM BASELINE.—Not later than  
24                  June 1 of each year after the year in  
25                  which the Secretary publishes data

1                   under subclause (I), the Secretary  
2                   shall publish—

3                         “(aa) an analysis of the data  
4                         collected under clause (i) for pub-  
5                         lic comment, subject to applicable  
6                         confidentiality safeguards;

7                         “(bb) the percentage growth  
8                         in the number of shipments with-  
9                         in each category of exempted  
10                         water heater relative to the base-  
11                         line data described in subclause  
12                         (I); and

13                         “(cc) the determination of  
14                         the Secretary as to whether the  
15                         number of shipments for any cat-  
16                         egory of exempted water heater  
17                         have increased by more than 25  
18                         percent compared to the baseline  
19                         data for that category.

20                         “(C) INCLUSION OF EXEMPTED WATER  
21                         HEATERS.—

22                         “(i) IN GENERAL.—The Secretary  
23                         shall, by regulation, revise the definition of  
24                         water heater under section 321(27) to in-  
25                         clude an exempted water heater under sub-

1           paragraph (A) of that section if the Secretary makes an affirmative determination  
2           under subparagraph (B)(iii)(II)(cc) for  
3           that category of exempted water heater.

5           “(ii) ENERGY CONSERVATION STANDARDS.—Any category of exempted water heater included in the definition of water heater under clause (i) shall be required to meet the energy conservation standards applicable to an electric or gas storage type water heater under this part.

12          “(iii) EFFECTIVE DATE.—For any category of exempted water heater, the Secretary shall carry out clause (i), and require compliance under clause (ii), not later than 1 year after the date on which the Secretary makes the affirmative determination described in clause (i) for that category.

20          “(8) STANDARDS FOR MULTI-INPUT ELECTRIC  
21          STORAGE WATER HEATERS.—A multi-input electric  
22          storage water heater shall be subject to the test procedures, energy conservation standards, labeling (if  
23          applicable), and certification requirements—

1               “(A) for electric storage water heaters  
2               under this part; and

3               “(B) for storage water heaters under part  
4               C.

5               “(9) TECHNOLOGY-NEUTRAL ELECTRIC STOR-  
6               AGE WATER HEATER STANDARDS.—Notwithstanding  
7               any other provision of this Act, the Secretary may  
8               not create separate product classes for heat pump  
9               water heaters and other electric storage water heat-  
10              ers.”.

11              (c) DEFINITION OF COMMERCIAL WATER HEATER.—  
12             Section 340 of the Energy Policy and Conservation Act  
13             (42 U.S.C. 6311) is amended by striking paragraph (12)  
14             and inserting the following:

15              “(12)(A) STORAGE WATER HEATER.—

16              “(i) IN GENERAL.—The term ‘storage  
17              water heater’ means a water heater that—

18               “(I) heats and stores water within an  
19               appliance at a thermostatically controlled  
20               temperature for delivery on demand; and

21               “(II) is not a water heater described  
22               in section 321(27)(A).

23              “(ii) EXCLUSION.—The term ‘storage  
24              water heater’ does not include a unit with an

1           input rating of 4,000 Btu per hour or more per  
2           gallon of stored water.

3           “(B) INSTANTANEOUS WATER HEATER.—The  
4           term ‘instantaneous water heater’ means a water  
5           heater that—

6                 “(i) has an input rating of at least 4,000  
7                 Btu per hour per gallon of stored water; and  
8                 “(ii) is not a water heater described in sec-  
9                 tion 321(27)(A).

10           “(C) UNFIRED HOT WATER STORAGE TANK.—  
11           The term ‘unfired hot water storage tank’ means a  
12           tank used to store water that is heated externally.”.

13           (d) LABELING REQUIREMENTS.—Section 344 of the  
14 Energy Policy and Conservation Act (42 U.S.C. 6315) is  
15 amended by adding at the end the following:

16                 “(l) LABELS FOR CERTAIN COMMERCIAL WATER  
17 HEATERS.—

18                 “(1) IN GENERAL.—Notwithstanding any other  
19                 provision of this section, water heaters described in  
20                 section 321(27)(B) shall be required to bear a per-  
21                 manent label, applied at the point of manufacture,  
22                 that, subject to paragraph (3), satisfies the require-  
23                 ments described in paragraph (2).

24                 “(2) REQUIREMENTS.—A label required under  
25                 paragraph (1) shall—

1               “(A) be made of material not adversely af-  
2               fected by water;

3               “(B) be attached by means of nonwater-  
4               soluble adhesive; and

5               “(C) bear the following notice printed in  
6               16.5 point Arial Narrow Bold font: ‘IMPOR-  
7               TANT INFORMATION: Exclusively intended  
8               for commercial installations. This model is not  
9               certified by the U.S. Department of Energy as  
10               a residential water heater. This model does not  
11               have a certified First Hour or UEF rating.’.

12               “(3) REVISION UPON PETITION.—On receipt of  
13               a petition by an interested party, the Secretary may  
14               conduct a rulemaking to revise the scope and re-  
15               quirements of the label required under paragraph  
16               (1).”.

17               (e) EFFECTIVE DATE.—This section and the amend-  
18               ments made by this section shall take effect 180 days after  
19               the date of enactment of this Act.

